

DES MOINES CITY COUNCIL MEETING

Excerpts from procedural rules of City Council

February 14, 2011

4:30 PM

SPECIAL PRESENTATIONS – 4:15 PM

Farmers Insurance – Most Secure City Award

Friends of Des Moines Parks – Check Presentation

INVOCATION: Council Member Robert Mahaffey

1. ROLL CALL:
2. APPROVING AGENDA, AS PRESENTED AND/OR, AS AMENDED:
3. APPROVING CONSENT AGENDA * – items 3 through 69:

***Note:** These are routine items and will be enacted by one roll call vote without separate discussion unless someone, Council or public, requests an item be removed to be considered separately.

LICENSES AND PERMITS

4. Approving Alcoholic Beverage License Applications for the following:

NEW APPLICATIONS

(A) 101 LOUNGE	102 3RD ST	C Liquor
(B) 4TH DOWN SPORTS BAR	215 4TH ST	C Liquor
(C) BOTTOMS UP	607 SE 30TH ST	C Liquor
(D) MEZZODIS	4519 FLEUR DR	C Liquor
(E) MICHAELS PIZZA	2629 BEAVER AVE	C Beer/Wine

RENEWAL APPLICATIONS

(F) CENTERPLATE	1 LINE DR	C Liquor
(G) EL AGUILA REAL	3520 BEAVER AVE	C Liquor
(H) FAT TONY'S SPORTS BAR	1500 SE 1ST ST	C Liquor
(I) GATEWAY MARKET MLK	2002 WOODLAND	C Liquor
(J) GIT N GO STORE #27	1240 KEOSAUQUA	C Beer
(K) H & A MINI MART	5901 FLEUR DR	E Liquor
(L) INGERSOLL LIQUOR	3500 INGERSOLL	E Liquor

- | | | | |
|-----|--------------------------|------------------|-------------|
| (M) | LE BOI | 508 INDIANOLA RD | C Liquor |
| (N) | MARS CAFE | 2318 UNIVERSITY | C Beer/Wine |
| (O) | TOBACCO OUTLET PLUS #503 | 400 EUCLID AVE | C Beer |

SPECIAL EVENTS APPLICATIONS

- (P) BLUE RIBBON BACON FESTIVAL 400 LOCUST ST Five (5) Day License Class C Liquor License at Capitol Square for festival on February 26, 2011. Pending approval of Building, Electrical, Fire and Zoning Departments.
- (Q) MEXICAN DANCE 3000 E GRAND Five (5) Day License Class B Beer License at the Walnut Center for a dance on February 26, 2011.
5. [City](#) Clerk to issue Cigarette Licenses.
6. [City](#) Clerk to issue Coin Operated Machine Licenses.

PUBLIC IMPROVEMENTS

7. Ordering construction of the following:
- (A) [Fleur](#) Drive Viaduct Over American Discovery Trail Rehabilitation: Receiving of bids, (2-15-11), Setting date of hearing, (3-14-11). (Construction Estimate - \$1,474,931).
([Council Communication No. 11-083](#))
- (B) [Court](#) Avenue and Water Street Sewer Separation: Receiving of bids, (3-1-11), Setting date of hearing, (3-14-11). (Construction Estimate - \$4,000,000).
([Council Communication No. 11-096](#))
- (C) [McKinley](#) Avenue Widening At South Union Street: Receiving of bids, (3-1-11), Setting date of hearing, (3-14-11). (Construction Estimate - \$1,339,610).
([Council Communication No. 11-089](#))
- (D) [Mulberry](#) Street Paving – 13th Street to 15th Street: Receiving of bids, (3-1-11), Setting date of hearing, (3-14-11). (Construction Estimate - \$3,430,000).
([Council Communication No. 11-090](#))
- (E) [2011](#) Golf Course Repairs: Receiving of bids, (3-1-11), Setting date of hearing, (3-14-11). (Construction Estimate - \$153,000).
([Council Communication No. 11-093](#))

8. [Approving](#) and authorizing the Iowa Department of Transportation Agreement for Hubbell Elementary School Enhanced School Crossings.

[\(Council Communication No. 11-088\)](#)

9. [Authorizing](#) agreement with Des Moines Public Schools for City participation in Traffic Safety and Student Drop-off Area Improvements at Central Campus, 1800 Grand Avenue, for Downtown School.

[\(Council Communication No. 11-095\)](#)

10. [Approving](#) Supplemental Agreement No. 2 to the Jackson Basin Pump Station Professional Services Agreement with Howard R. Green Company, (Dan Lovett, Chief Executive Officer) for design services for modification to the design of the Jackson Basin Pump Station to increase the level of flood protection based on the Corps of Engineers Des Moines River Regulated Flow Frequency Study, not to exceed \$17,500.

[\(Council Communication No. 11-091\)](#)

11. [Approving](#) Supplemental Agreement No. 4 to the Court Avenue/Water Street Sewer Separation Professional Services Agreement with Veenstra and Kimm, Inc. for design services for modification to the design of the Court Avenue Pump Station to increase the level of flood protection based on the Corps of Engineers Des Moines River Regulated Flow Frequency Study, not to exceed \$94,384.

[\(Council Communication No. 11-092\)](#)

12. [Approving](#) Change Order No. 2 with Biermann's University Electric Co., Inc. for additional work on the Pump Station Emergency Power Generation – Phase 1 Project, not to exceed \$51,566.31.

[\(Council Communication No. 11-082\)](#)

13. [Communication](#) from contractors requesting permission to sublet certain items.

14. Accepting completed construction and approving final payment for the following:

- (A) [Cummins](#) Parkway & Clark Street Emergency Sanitary Sewer Repair, The Underground Company, Ltd.

- (B) [SE](#) 14th Street Widening at E. Indianola Avenue, Jasper Construction Services, Inc.

SPECIAL ASSESSMENTS

15. [Levying](#) assessments for costs of Nuisance Abatement-NAC Emergency Orders (Public Works), Schedule No. 2011-02.
16. [Levying](#) assessments for fees, fines, penalties, costs and interest imposed in the enforcement of the Neighborhood Inspection Rental Code, Schedule No. 2011-01.
17. Approving Delinquent Sewer Rental and/or Solid Waste/Stormwater Utility for January 2011 on the following:
 - (A) [Credits](#).
 - (B) [Fees](#).

LAND/PROPERTY TRANSACTIONS

18. Items regarding vacated Army Post Road between SW 5th and SW 6th Street previously conveyed to Thomas J. Akers and Lois L. Akers:
 - (A) [Authorizing](#) release of deed stipulation.
 - (B) [Authorizing](#) release of restrictions on vacated Gem Street (Lot B).
19. [Approving](#) settlement of condemnation appeal for the acquisition of property from General Manufacturing Company and the Wittern Partnership for 5725 SW 56th Street and 5041 Army Post Road for Airport Runway 13R-31L Project, \$247,630.

[\(Council Communication No. 11-085\)](#)
20. [Approval](#) of 135 tax abatement applications for improvements to property completed in 2010.

[\(Council Communication No. 11-059\)](#)
21. [Authorization](#) to submit a Hazard Mitigation Grant Program (HMGP) Application and Public Assistance (PA) Grant Program Request to the Federal Emergency Management Agency (FEMA) for proposed voluntary Hazard Mitigation Acquisition Buyout and demolition projects in the Four Mile and other 100-year floodplain areas.

[\(Council Communication No. 11-087\)](#)

BOARDS/COMMISSIONS/NEIGHBORHOODS

22. [Recommendation](#) from Mayor Cownie to appoint James Johnson to the Building and Fire Code Board of Appeals, Seat 15, for a three-year term commencing April 2009 to expire April 1, 2012.
23. [Communication](#) from J. Marc Ward advising of his resignation from the Building and Fire Code Board of Appeals, Seat 13, effective immediately.
24. [Recommendation](#) from Council Member Griess to appoint Chad Little to the Human Rights Commission, Seat 4, for a three-year term to expire April 4, 2011, and an additional three-year term expiring April 4, 2014.
- 24-I [Recommendation](#) from Council Member Griess to appoint Joel Kinser to the Des Moines Music Commission, Seat 4, for a two-year term commencing July 1, 2010 to expire July 1, 2012.
25. [Recommendation](#) from Council Member Moore to reappoint Som Baccam to the Human Rights Commission, Seat 2, for a three-year term commencing April 1, 2009 to expire April 1, 2012.
26. [Recommendation](#) from Mayor Cownie to appoint Ellen Hubbell to the Library Board of Trustees, Seat 3, for a six-year term commencing July 1, 2010 to expire July 1, 2016.
27. Approving the following appointments:
 - (A) [Neighborhood](#) Development Corporation, Brian Meyer to Position #11 and Chris Johansen to Position #2, effective immediately.
 - (B) [Chris](#) Johansen to Neighborhood Finance Corporation, Director Position #1, effective immediately.
28. [Recommendation](#) from Council Member Moore to appoint Mark Cooper to the Neighborhood Revitalization Board, Seat 12, for a three-year term to expire June 30, 2011, and an additional three-year term expiring June 30, 2014.
- 28-I Communication from Mary Gottschalk advising of her resignation from Seat 2 of the Des Moines Water Works Board of Trustees, effective immediately.
29. [Communication](#) from Robert G. Riley advising of his resignation from Seat 4 of the Des Moines Water Works Board of Trustees, effective February 1, 2011.
 - (A) [Recommendation](#) from Mayor Cownie to appoint Graham Gillette to Seat 4 of the Des Moines Water Works Board of Trustees, for a 6-year term, commencing April 1, 2009 to expire April 1, 2015.

30. [Communication](#) from the Historic Preservation Commission advising that there are three vacant seats on the ten-member commission and requesting that three new members be appointed to the Commission to return to full membership.
 - (A) Recommendation from Mayor Cownie to appoint Patricia Barry to the Historic Preservation Commission, Seat 1, for a three-year term commencing March 28, 2010 to expire March 28, 2013
31. [Communication](#) from the Historic Preservation Commission expressing support for preservation of buildings that comprise the “Civic Center Historic District” including the Armory Building, the Municipal Building (City Hall), the former Central Post Office Building (Polk County Annex), the former Central Library (World Food Prize), and the Municipal Court and Public Safety Building (Police Station).

SETTING DATE OF HEARINGS

32. On request from Army Post Development, LC for the following:
 - (A) [Vacation](#) and conveyance of rights-of-way necessary for relocation of Gannett Avenue to accommodate the planned expansion of the existing Hewlett-Packard facility at 3600 Army Post Road, (2-28-11).
 - (B) [Amendment](#) to the Airport Business Park Phase II PUD conceptual plan to allow for changes to the public street network and lot configuration to allow the development of a new warehouse facility, subject to conditions, (2-28-11).
 - (C) [Communication](#) from City Plan and Zoning Commission regarding amendment to Preliminary Plat for Airport Business Park Plat 3, subject to conditions.
33. [On](#) vacation and lease of right-of-way at 302 Court Avenue to HFL, LLC d/b/a Johnny’s Hall of Fame for an expanded sidewalk café serving alcohol, (2-28-11).
34. [On](#) City Council initiated rezoning of “2 Rivers District Land Use and Redevelopment Plan” for area bounded by Raccoon River on the north, SE 1st Street on the east, Indianola Road on the south and SW 7th Street on the west, (2-28-11).
35. [On](#) request from Git-N-Go Convenience Stores, Inc. to rezone 9536 County Line Road from Ltd. “C-2” (General Retail and Highway-Oriented Commercial) to “PUD” (Planned Unit Development) and additional property owned by West Lakes Properties, LC from “A-1” (Agricultural) to “PUD” (Planned Unit Development) and to amend the Southern Ridge PUD Conceptual Plan, (2-28-11).

36. [On](#) request from Grand View University to rezone property at 1422 and 1431 Morton Avenue from “R1-60” (One-Family Low-Density Residential) to “PUD” (Planned Unit Development) and to amend the Grand View East PUD Conceptual Plan to expand off-street parking and landscaping on the southwestern portion of the east campus, (2-28-11).
 - (A) [Recommendation](#) from Plan and Zoning Commission regarding request from Grand View University, to vacate a segment of Morton Avenue from Idaho Street to the east, subject to reservation of easements for any public utilities in place to remain until such time as Grand View University either assumes private ownership of the facilities or relocates the utilities with creation of new public easements.
37. [On](#) lease-purchase agreement for the purpose of acquiring certain items of equipment consisting of six dump trucks, not to exceed \$945,000, (2-28-11).

[\(Council Communication No. 11-061\)](#)

38. [On](#) application from Joy Ride Transport LLC to increase the size of their para-transit taxicab service fleet from three to six vehicles, (2-28-11).
39. [On](#) request from Heather Carpenter-Hutchcroft, et al for an amendment to the Carman Estates PUD Conceptual Plan on property at 2421–2458 E. Porter Avenue to allow removal of a 30-foot wide conservation easement allowing structures and fences to be located within portions of the rear yard area currently restricted by the easement, (2-28-11).
40. [On](#) amendment to annual budget for current fiscal year ending June 30, 2011, (2-28-11).
41. [On](#) proposed annual budget for fiscal year ending June 30, 2012, (2-28-11).

LEGAL DEPARTMENT - CLAIM SETTLEMENTS & BILLINGS

42. [Approving](#) payment of \$1,341.30 to Ahlers & Cooney, P.C. for consultation services in conjunction with collective bargaining.
43. Approving workers’ compensation claims for the following:
 - (A) [James](#) Milligan and David Drake, his attorney, \$12,507.02.
 - (B) [Glenn](#) Gillespie and James Lawyer, his attorney, \$14,256.27.
44. [Approving](#) payment of \$30,001.34 to Metro Waste Authority for property damage as a result of an accident.

45. [Approving](#) additional payment of \$5,800 to Erin McKinney for property damage and bodily injury as a result of a motor vehicle accident.
46. [Approving](#) payment of \$32,500 to Andrew Chan and Jeff Carter, his attorney, for personal injuries as a result of a motor vehicle accident.
47. [Approving](#) payment of \$60,000 to Stephanie Trujillo and Karin Zeigler, her attorney, for settlement of a lawsuit.
48. [Approving](#) retention of Husch Blackwell LLP to provide advice and representation on levee system issues.
49. [Agreement](#) between the City of Des Moines and Bruce E. Bergman for legal advice regarding pending litigation, and other legal matters through May 1, 2013.

CITY MANAGER COMMUNICATIONS

50. [Submitting](#) travel and training request for Dave Chiodo, T. M. Franklin Cownie, Jeff Dawson, Mark Durham, Larry Gilmore, Joe Leo, Skip Moore, David Ness, Kenneth Robinson, David Seybert, and Adam Smith.

[\(Council Communication No. 11-081\)](#)

APPROVING

51. [Community](#) Services Block Grant (CSBG) Community Action Contract for the 2011 CSBG Program Year for low-income persons during the period October 1, 2010 through December 31, 2011.

[\(Council Communication No. 11-063\)](#)

52. [Amendment](#) to Jumpstart Housing Assistance Program Grant Agreement between the City of Des Moines and Iowa Finance Authority (Contract No. JHAP#09-09) to receive an additional \$19,472.28, and extend the term of the contract to February 28, 2011.

[\(Council Communication No. 11-080\)](#)

53. [2011](#) program allocations for the Home Investments Partnerships Program (HOME) administered by the Community Development Department.

[\(Council Communication No. 11-069\)](#)

54. [Preliminary](#) approval of a City Loan from the Des Moines Action Loan Fund to Americana, LLC for an economic development project of a restaurant at 1312 Locust Street, Ste. 300, \$200,000.

[\(Council Communication No. 11-099\)](#)

55. [On](#) renewal of sidewalk café serving alcohol lease with Mille Miglia Caffè, LLC d/b/a Amici Espresso at 206 6th Avenue until December 31, 2012.

[\(Council Communication No. 11-079\)](#)

56. [Sub-Grantee](#) Agreements to administer FFY 2010 Homeland Security Grant Program Funds from Iowa's Homeland Security and Emergency Management Division for Iowa's Explosive Ordnance Disposal (EOD) and Iowa's Weapons of Mass Destruction Tactical Officer's (SWAT) Task Force Programs to upgrade the Andros F6A robot platform drive systems.

[\(Council Communication No. 11-076\)](#)

57. [Grant](#) application for 2012 Governor's Traffic Safety Bureau Highway Safety Program Section 402 from October 1, 2011 to September 30, 2012, \$205,386.

[\(Council Communication No. 11-062\)](#)

58. [Change](#) orders associated with QWEST contract to install Power E911 in Police and Fire Dispatch Center reducing total cost from \$427,106.12 to \$305,865.

[\(Council Communication No. 11-077\)](#)

59. [Grant](#) Agreement with Iowa Homeland Security and Emergency Management Division (HSEMD) for grant funding from State Homeland Security Program (SHSP) National Infrastructure Protection Plan, \$101,043.

[\(Council Communication No. 11-058\)](#)

60. [Grant](#) Agreement with Iowa Homeland Security Emergency Management Division (HSEMD) for grant funding from State Homeland Security Program (SHSP) Intelligence and Information Sharing Initiative, \$257,433.

[\(Council Communication No. 11-057\)](#)

61. [Agreement](#) with Iowa Insurance Division's Senior Health Insurance Information Program (SHIIP) to identify and assist with applications of individuals who may qualify for the Social Security Administration Low Income Subsidy (LIS) Prescription Drug Program.

[\(Council Communication No. 11-064\)](#)

62. [Banner](#) design submitted by Downtown Community Alliance on behalf of The American Lung Association to be displayed in downtown Des Moines on Locust Street.

63. Bids from the following:

- (A) [Electric](#) Pump & Tool Services, Inc. (Richard Miller, President) for replacement pump and related equipment for nine (9) pump stations for use by the Public Works Department, \$360,653.

[\(Council Communication No. 11-078\)](#)

- (B) [L-Tech](#) Enterprises (Larry Henderson, President) for non-competitive procurement of various projectiles for use by the Police Department Bomb Squad, \$28,480.

[\(Council Communication No. 11-070\)](#)

- (C) [O'Halloran](#) International Inc. (James O'Halloran, President) for three replacement catch basin cleaner trucks for use by the Public Works Department Sewers Division, \$1,147,482 subject to financing through lease-purchase agreement. (six bids mailed, five bids received).

[\(Council Communication No. 11-060\)](#)

- (1) [Setting](#) date of hearing on lease-purchase agreement for the purpose of acquiring certain items of equipment consisting of three replacement catch basin cleaner trucks, not to exceed \$1,150,000, (2-28-11).

[\(Council Communication No. 11-074\)](#)

- (2) [Request](#) from Mark Van Gundy, 1506 Thompson Avenue, to speak regarding award of bid for sewer combination machines.

64. [Civil](#) Service Entrance Lists for User Support Technician, Marketing Supervisor, and Electronic Flow Meter Technician, and Promotional Lists for Police Major and Senior Electronic Flow Meter Technician.

65. [Authorizing](#) Finance Director to draw checks on registers for weeks of February 14, and February 21, 2011; to draw checks for the bills of the Des Moines Municipal Housing Agency for weeks of February 14 and February 21, 2011; and to draw checks for biweekly payroll due February 25, 2011.

ORDINANCES - FINAL CONSIDERATION

66. [On](#) proposal to create an Airport Authority.

[\(Council Communication No. 11-097\)](#)

ORDINANCES - SECOND CONSIDERATION

67. [Amending](#) Chapter 74 of the Municipal Code regarding 2011 Golf Course Fees, (as amended).

[\(Council Communication No. 11-075\)](#)

- (A) [Final](#) consideration of ordinance above (waiver requested by Park and Recreation Director), requires six votes.

68. [Amending](#) Chapter 74 of the Municipal Code regarding bike and related equipment rental fees.

[\(Council Communication No. 11-073\)](#)

69. [Amending](#) Chapter 126 of the Municipal Code adding a new section regarding issuance of a probationary Certificate of Public Convenience and Necessity for Vehicles for Hire.

* * * * * END CONSENT AGENDA * * * * *

COUNCIL REQUESTS

70. From Council Member Brian Meyer to discuss the following:

- (A) [Ewing](#) Park lilacs.
(B) [Southside](#) sculptures at SW 9th and Bell Avenue.

71. [From](#) Council Member Moore to speak regarding changing our style of election from Run-Off back to Primary.

HEARINGS (OPEN AT 5:00 P.M.) (ITEMS 72 THRU 75)

72. [On](#) intent to acquire properties for recreational trail purposes and authorize acquisition of the necessary property interests from various property owners for the Gray's Lake connection trail project.

[\(Council Communication No. 11-086\)](#)

73. [On](#) conveyance of 1416 and 1420 - 22nd Street and 1315 Harrison Avenue to Greater Des Moines Habitat for Humanity for development of infill housing in the Forest Avenue Urban Renewal Project, \$16,500.

[\(Council Communication No. 11-084\)](#)

74. Items regarding properties at 4600, 4610 and 4720 SW 31st Street:

- (A) [Amend](#) the Des Moines 2020 Community Character Land Use Plan future land use designation from Planned Business Park to Low Density Residential.
- (B) [Hearing](#) to rezone the properties from "M-3" (Limited Industrial) to "R1-80" (One-Family Residential) (to restore properties to a legal conforming use status).
- (C) [First](#) consideration of ordinance above.
- (D) Final consideration of ordinance above (waiver requested by Community Development Director), requires six votes.

75. [On](#) City Hall Window Replacement: Resolution approving plans, specifications, form of contract documents, Engineer's estimate and designating lowest responsible bidder as Strong Tower Construction, LLC d/b/a Koch Corporation, (Benjamin Feinn, CEO), \$421,414.

[\(Council Communication No. 11-094\)](#)

- (A) [Approving](#) contract and bond, and permission to sublet.

***** END HEARINGS AT _____ PM *****

APPROVING

76. [Termination](#) of Lease and Management Agreement with the Boys and Girls Club of Central Iowa for Logan Community Center effective February 28, 2011.

[\(Council Communication No. 11-072\)](#)

77. [Americans](#) with Disabilities Act (ADA) Settlement Agreement between the United States of America Department of Justice (DOJ) and the City of Des Moines.

[\(Council Communication No. 11-098\)](#)

78. [Amendment](#) to lease agreement with Capitol Center, LLC for office space at 600 E. Court Avenue extending lease until August 31, 2011, \$12,305.42 monthly.

[\(Council Communication No. 11-071\)](#)

BOARD OF HEALTH

MOTION TO CONVENE.

1. Approving the Legal Department to proceed with court action seeking authority to abate the public nuisance at the following locations:
 - (A) [1123](#) Riverview Drive, fire-damaged main structure, administrative removal, Titleholders: Richard Dady and Eve M. Dady.
 - (B) [3422](#) 57th Street, garage structure, Titleholder: Aeon Financial, LLC.

MOTION TO ADJOURN.

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